

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

IN RE:

MARIAN HELEN BILLBURY,

DEBTORS.

**Case No.: BK-14-12172-R
Chapter 13**

OBJECTION TO CHAPTER 13 PLAN OF DEBTORS

Comes now the secured creditor, The Bank of New York Mellon f/k/a The Bank of New York, successor to JPMorgan Chase Bank, as trustee, for the holders of the Bear Stearns Asset Backed Securities Trust 2004-SD3, Asset-Backed Certificates, Series 2004-SD3, by their attorney, Robert Hauge, and hereby objects to the Chapter 13 Plan of Debtors. In support of this Objection, The Bank of New York Mellon f/k/a The Bank of New York, successor to JPMorgan Chase Bank, as trustee, for the holders of the Bear Stearns Asset Backed Securities Trust 2004-SD3, Asset-Backed Certificates, Series 2004-SD3 would show the Court as follows:

1. The Bank of New York Mellon f/k/a The Bank of New York, successor to JPMorgan Chase Bank, as trustee, for the holders of the Bear Stearns Asset Backed Securities Trust 2004-SD3, Asset-Backed Certificates, Series 2004-SD3 is the holder of a purchase money note and mortgage on the residence, ("mortgaged property") of Debtors. Said note and mortgage has an outstanding balance of \$119,997.23 plus accruing interest along with reasonable attorney fees and for all costs of the action.

2. The proposed Chapter 13 Plan of the Debtors reflects an arrearage amount of 12,000.00. The Bank of New York Mellon f/k/a The Bank of New York, successor to JPMorgan Chase Bank, as trustee, for the holders of the Bear Stearns Asset Backed Securities Trust 2004-SD3,

Asset-Backed Certificates, Series 2004-SD3 disputes this amount and would propose that the correct estimated arrearage amount is \$16,802.05. The Court has established the deadline for filing of claims as February 10, 2015.

WHEREFORE, PREMISES CONSIDERED, secured creditor, The Bank of New York Mellon f/k/a The Bank of New York, successor to JPMorgan Chase Bank, as trustee, for the holders of the Bear Stearns Asset Backed Securities Trust 2004-SD3, Asset-Backed Certificates, Series 2004-SD3, moves the Court to reject the proposed Chapter 13 Plan of Debtors and/or to grant adequate protection or such other and further relief as may be entitled.

THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK, SUCCESSOR
TO JPMORGAN CHASE BANK, AS
TRUSTEE, FOR THE HOLDERS OF THE
BEAR STEARNS ASSET BACKED
SECURITIES TRUST 2004-SD3, ASSET-
BACKED CERTIFICATES, SERIES 2004-SD3,

By: /s/Robert J. Hhauge
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Attorney for Movant

CERTIFICATE OF SERVICE

I hereby certify that I mailed a true and correct copy of the above and foregoing Objection with postage thereon fully prepaid to the parties listed below on December 16, 2014.

Marian Helen Billbury
839 North Xenophon Avenue
Tulsa, OK 74127

The following persons should have received notice of the above and foregoing instrument on the same day it was filed by the Court's CM/ECF Electronic Noticing System.

Lonnie D. Eck
P.O. Box 2038
Tulsa, OK 74101

Ron D. Brown
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